

DentonWildeSapte...

# HBF Annual Conference Community Infrastructure Levy

Stephen Ashworth  
Partner Denton Wilde Sapte

# Community Infrastructure Levy Summary

- The skeleton and emerging flesh of CIL
- Key issues
- A way forward?

# Community Infrastructure Levy Skeleton of CIL

- Planning Act, but CIL effectively outside the planning system
- Consultation papers August 2008/July 2009
- Draft 2010 Regulations
- Need for revised guidance (and further consultation?)
  - Circular 5/05
  - PPS12

DentonWildeSapte...

# Community Infrastructure Levy Skeleton of CIL

- Up to date development plan – what is up to date?
- Infrastructure plan
  - what relationship with PPS12?
  - what standard of assessment?
- Infrastructure costed
  - what infrastructure?
  - what standard of costing?
  - what assumptions about public sector contribution?

DentonWildeSapte...

# Community Infrastructure Levy Skeleton of CIL

- CIL charging schedule promoted through inquiry but
  - not testing infrastructure assumptions
  - not testing cost assumptions
  - no soundness test
  - sole issue whether level will choke off too much development
- Presumption CIL allocated per square metre – why?
- If split geographically/by land use types then must be split by value/viability

# Community Infrastructure Levy Skeleton of CIL

- Charging process – mandatory
  - any discretion?
  - payment profile negotiation
- Other planning requirements
  - section 106, long lives the king
  - section 278

DentonWildeSapte...

## Community Infrastructure Levy Skeleton of CIL : missing flesh

- Delivery obligations
- Relationship with affordable housing save to say that there will be no reduction in levels as a consequence of CIL
- Grampians

# Community Infrastructure Levy

## A way forward : five key issues

- Apportionment of CIL : value or impact
- An escape valve : discretion in exceptional circumstances
- No Grampian conditions : if pay then no constraints other than to infrastructure programme
- Kill section 106/278 agreements : no need if CIL covers all off site infrastructure
- Delivery obligations/works in kind

DentonWildeSapte...

# Community Infrastructure Levy Conclusion

- Fair, simple, certain?
- Flawed as it stands
- Easily corrected
- CIL needs to be supported because otherwise tariffs may be left to new localism